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04-19-03

CASE D0020 NP

DAC/A

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV305489986US  
Express Mail Label Number

April 16, 2004  
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ART UNIT: 1646

FEDER ET AL.

EXAMINER: JIANG, DONG

APPLICATION NO: 09/932,145

FILED: August 17, 2001

FOR: NOVEL IMIDAZOLINE RECEPTOR HOMOLOGS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO ACCORD FILING DATE  
FOR EXPRESS MAIL CORRESPONDENCE NOT RECEIVED BY P.T.O. (37 C.F.R. § 1.10(e))

1. This is a petition to accord the correspondence in the above-identified application a filing date of September 17<sup>th</sup>, 2003, which is the date the correspondence was deposited with the U.S.P.S. with proper postage.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and 1.10

I hereby certify that, on the date shown below, this correspondence was deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

as "Express Mail Post Office to Addressee", Mailing Label No. EV306636575US  
dated 9/17/03 and accepted by CB

2. Submitted herewith is the statement indicating when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. § 1.10(e)(1).

The undersigned states that this discrepancy was first discovered during the week of March 22<sup>nd</sup>, 2004 during a docket review to identify any discrepancies between internal docket records and the U.S.P.T.O. PAIR system.

The undersigned further states that this discrepancy was confirmed via a telephone conversation with Examiner Dong on April 6<sup>th</sup>, 2004. Upon receiving this confirmation, the undersigned diligently addressed this discrepancy by preparing the instant petition in addition to the required showing.



CASE D0020 NP

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

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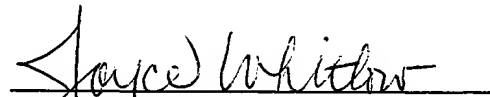
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPORTING STATEMENT FOR PETITION TO ACCORD FILING DATE  
FOR EXPRESS MAIL CORRESPONDENCE NOT RECEIVED BY P.T.O. (37 C.F.R. § 1.10(e))

The undersigned states that the copies of the correspondence, "Express Mail" mailing label, and returned postcard receipt accompanying this petition were deposited as "Express Mail" with the U.S.P.S. on September 17<sup>th</sup>, 2003 at 3:24 P.M.

The undersigned further states that the copies of the correspondence, "Express Mail" mailing label, and returned postcard receipt accompanying this petition are true copies of the correspondence, mailing label and returned postcard receipt originally mailed or received.

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
(609) 252-3597

  
Joyce Whitlow  
IR Legal Assistant II

Date: April 16, 2004


3. Submitted herewith, in accordance with 37 C.F.R. § 1.10(e)(3), are the following:

- A true copy of the originally-deposited paper(s) or fee(s).
- A true copy of the "Express Mail" mailing label showing the "date-in."
- A true copy of the returned Post Card showing receipt of these papers by the U.S.P.T.O.
- A true copy of the Express Mail bill sent to Bristol-Myers Squibb showing the Express Mail Label Number and the date of deposit as September 17<sup>th</sup>, 2004.
- Bristol-Myers Squibb U.S.P.T.O. Account log showing the withdrawal of the fees for the originally-deposited papers.

4. Submitted herewith is a statement signed by the person who deposited the documents as "Express Mail" with the U.S.P.S., setting forth the date and time of deposit, and declaring that the copies of the correspondence, "Express Mail" mailing label, and returned postcard receipt accompanying this petition are true copies of the correspondence, mailing label and returned postcard receipt originally mailed or received.

Respectfully submitted,

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
(609) 252-5289

  
\_\_\_\_\_  
Stephen C. D'Amico  
Agent for Applicants  
Reg. No. 46,652

Date: April 16, 2004

3454

Case No.: D0020

Application No.: 09/932,145

Mailing Date: 9/17/03

Due Date: \_\_\_\_\_

Express Mail No.: EV306636575 US

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

- ☒ Amendment/Response/Letter - Fee \$ \_\_\_\_\_
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  - ☐ Non-provisional
  - ☐ Provisional Application
  - ☐ CPA ☐ DIV ☐ CONT ☐ CIP
  - ☐ Specification \_\_\_\_\_ Pg's
- ☐ Executed/Unexecuted Decl. - Fee \$ \_\_\_\_\_
- ☐ Missing Parts/Missing Req.
- ☒ Preliminary Amendment 5 Pg's
- ☐ Claim of Priority ☐ Certified Copy(s)
- ☐ Amendment After Final
- ☐ Notice of Appeal - Fee \$ \_\_\_\_\_
- ☐ Appeal Brief - Fee \$ \_\_\_\_\_
- ☐ Issue Fee Payment - \$ \_\_\_\_\_
- ☐ Assignment Rec. Req. - Fee \$ \_\_\_\_\_
- ☐ Formal Drawings \_\_\_\_\_ Pg's
- ☒ IDS 2 Pg's - Fee \$ 180
- ☒ PTO-1499 Form 1 Pg's
- ☐ Pet. for Ext. of Time - Fee \$ \_\_\_\_\_
- ☐ Seq. Listings \_\_\_\_\_ Pg's/Seq. Disk

BMS-P-75035

Response to RST Requirement  
W/O TRAVERSE

(1 ref.)

SCD  
Initials



**Mailing Label**  
Label 11-F June 2002

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ORIGIN/POSTAL USE ONLY				DELIVERY (POSTAL USE ONLY)			
PO ZIP Code		Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM <input type="checkbox"/> Military		Flat Rate Envelope <input type="checkbox"/> Postage <input type="checkbox"/> \$ Return Receipt Fee		Employee Signature	
Date In	Mo. Day Year	Time In	Mo. Day Year	Delivery Attempt	Time	Employee Signature	
Mo. AM PM	Day	Mo. AM PM	Day	Mo. Day	Time	Employee Signature	
Weight	lb. ozs.	Int'l Alpha Country Code	3rd Day	Delivery Date	Time	Employee Signature	
No Delivery	Acceptance Clerk Initials	COD Fee	Insurance Fee	Mo. Day	Time	Employee Signature	
Total Postage & Fees		\$		<input type="checkbox"/> <b>WAYER OF SIGNATURE</b> (Express Only) Additional merchandise insurance is void if writer of signature is requested, I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and authorize that delivery employee's signature constitutes valid proof of delivery.			
No Delivery		Acceptance Clerk Initials		NO DELIVERY		Customer Signature	

<p><b>FROM: (PLEASE PRINT)</b></p> <p>STEPHEN DAVIS BRISTOL-MYERS SQUIBB CO PO BOX 4000 PRINCETON NJ 08543-4000</p>	<p><b>TO: (PLEASE PRINT)</b></p> <p>MAIL STOP <i>NDV - Fee Agreement</i> COMMISSIONER FOR PATENT PO BOX 1450 ALEXANDRIA VA 22313-1450</p>
<p><b>METHOD OF PAYMENT:</b></p> <p><b>X085205</b></p> <p>Express Mail Corporate Acct. No.</p>	<p><b>Federal Agency Acct. No. or Postal Service Acct. No.</b></p>

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106/ 1000 F:02 T:23



EV 306636575 US



UNITED STATES POSTAL SERVICE®

Customer Copy  
Label 11-F June 2002

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)			DELIVERY (POSTAL USE ONLY)		
PO ZIP Code 18648	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>	Delivery Attempt	Time <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Date In Mo. Day Year 9 17 03	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Time In Mo. Day Year 9 17 03	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Weight lbs. 3.90 ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. With delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials UB	Total Postage & Fees \$ 13.65	NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/> Holiday		
CUSTOMER USE ONLY			FEDERAL AGENCY ACCT. NO. OR POSTAL SERVICE ACCT. NO.		
METHOD OF PAYMENT: Express Mail Corporate Acct. No. X063205					
FROM: (PLEASE PRINT) STEPHEN DAVIS BRISTOL-MYERS SQUIBB CO PO BOX 4000 PRINCETON NJ 08543-4000			TO: (PLEASE PRINT) MAIL STOP 1111 - Fee Agreement COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450		
L D0020NP SCP					
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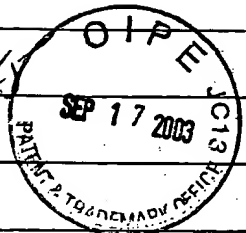
3454

Case No.: D0020

Application No.: 09/932,145

Mailing Date: 9/17/03

Due Date: \_\_\_\_\_



Express Mail No.: EV306636575 US

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

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- ☐ Appln. Filing Papers - Fee \$ \_\_\_\_\_
  - ☐ Non-provisional
  - ☐ Provisional Application
  - ☐ CPA ☐ DIV ☐ CONT ☐ CIP
  - ☐ Specification \_\_\_\_\_ Pg's
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- ☐ Formal Drawings \_\_\_\_\_ Pg's
- ☒ IDS 2 Pg's - Fee \$ 180
- ☒ PTO-1499 Form 1 Pg's
- ☐ Pet. for Ext. of Time - Fee \$ \_\_\_\_\_
- ☐ Seq. Listings \_\_\_\_\_ Pg's/Seq. Disk

BMS-P-335

Response to RST. Requirement  
W/O TRAVERSE

(1 ref.)

SCD  
Initials



PRINCETON NJ 08540-9998

EXPRESS MAIL CORPORATE ACCOUNT  
MAILING STATEMENT

ACCOUNT NO: 085205

DEPOSIT REQUIRED  
UPON RECEIPT

No deposit required at this time

Please make check payable to POSTMASTER.  
Include Account Number on check and send to:ERNIE FUSCO  
BRISTOL-MYERS SQUIBB & CO  
PO BOX 4000  
PRINCETON NJ 08543-4000POSTMASTER  
BRA #1  
213 CARNAGIE CENTER  
PRINCETON NJ 08540-9998

Return Top Portion With Your Payment

SEP FY03

ACCOUNT NO.		ACCOUNT ZIP		STATEMENT DATE		BEGINNING PERIOD		ENDING PERIOD	
085205		08540		10/01/03		09/01/03		09/30/03	
BEGINNING BALANCE	DEPOSITS	REFUNDS	POSTAGE	ADJUSTMENTS	WITHDRAWALS	TRANSFERRED TO PM	ENDING BALANCE		
3,879.70	0.00	0.00	890.50	0.00	0.00	0.00	2,989.20		
NO. OF TRANSACTIONS	0	0	53	0	0	DEPOSIT REQUIRED BASED ON PREVIOUS MAILING ACTIVITY			
See reverse side for important information. For statement inquiries, call your account representative within 90 days of statement date.							\$	0.00	

PLEASE NOTE THAT THIS STATEMENT COVERS SEPTEMBER 6 THROUGH SEPTEMBER 30, 2003.

BEGINNING ON OCTOBER 1, 2003 THE US POSTAL SERVICE IS SWITCHING FROM ACCOUNTING PERIODS (APS) TO MONTHLY REPORTING. YOUR FIRST STATEMENT IN THE NEW FORMAT WILL GENERATE ON NOVEMBER 1, 2003 AND WILL COVER OCTOBER 1 THROUGH OCTOBER 31, 2003.

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PAGE: 1

EXPRESS MAIL CORPORATE ACCOUNT  
MAILING STATEMENT

ACCOUNT NO: 085205

PERIOD: 09/01/03 - 09/30/03

DATE	CHARGE BACK	LABEL NUMBER	ORIG ZIP	DEST ZIP	ADJ # REF *	POSTAGE	FEES		DEPOSITS	WITH-DRAWALS	CDA LEG
							PICKUP	DELIVERY			
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09/30/03		EV323501309US	08648	22313							
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(A) TOTAL CHARGES :						890.50	0.00	0.00			
(B) TOTAL ADJUSTMENTS (#):						0.00	0.00	0.00			
(C) TOTAL REFUNDS (*):						0.00	0.00	0.00			
TOTAL (A + B - C):						890.50	0.00	0.00			
ENDING BALANCE:						2,989.20					

USPTO ACCOUNT  
BMS withdrawals

Docket #	Mail Date	Postcard ID	Admin	Description	Account ID	Withdrawal Amount
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LA118 PSP	9/17/2003	3476	DeRuyter, Barbara	1005	Domestic	\$160.00
DB33 NP				Issue fee, Publication fee, soft copies	Domestic	\$1,630.00
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LA0089 NP	9/17/2003	3478	DeRuyter, Barbara	Missing parts	Domestic	\$130.00